

REMARKS

The Office Action dated December 19, 2008, has been received and carefully reviewed. The preceding amendments and the following remarks form a full and complete response thereto. Claim 1 is amended as to matters of form only. No new matter is added, and no amendments have been made that require further consideration or search. Claims 1-2, 4-11 and 18-35 are pending in the application and are submitted for reconsideration

Applicants' representative thanks the Examiner for taking the time to discuss this application and the pending rejection during the telephonic interview on April 20, 2009.

Claims 1, 2, 4-11, 18-35 were rejected as failing to define the invention in the manner required by 35 U.S.C. § 112, second paragraph. Claim 1 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants traverse the rejections and submit that the claims comply with the requirements of 25 U.S.C. § 112.

Claim 1 has been amended to correct the issues identified in the Office Action related to form. Namely, the claims are no longer narrative and the antecedent basis problem has been addressed. Accordingly, Applicants request that the rejections be withdrawn.

The following prior art rejections have been made:

- Claims 1-9, 15, 17, 20-22, 24, 25, 28 and 29-31 and 33-35 were rejected under 35 U.S.C. §102(e) as being anticipated by Saltsov et al. (US 6,371,473);

- Claims 10-14, 16 and 27 and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Saltsov '473 in view of Salstov (US 7,051,926);
- Claims 18 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Saltsov '473 in view of Mennie et al (US 6,241,069);
- Claim 23 is rejected under 35 U.S.C. §103(a) as being unpatentable over Saltsov '473 in view of Ross (US 6,540,136).

Applicants traverse each of the rejections and submit that claims 1-2, 4-11 and 18-35 recite subject matter that is neither disclosed nor rendered obvious by any of the cited prior art references taken singly or in combination.

Claim 1, upon which all other claims depend, defines an apparatus for processing bank notes. The apparatus includes a transport system having a plurality of transport paths for transporting bank notes. The transport system includes a diverter device with a bidirectionally drivable transport path linking two branchings of a transport path to permit bank notes in the transport path to be transported in two opposite directions. The diverter device includes at least four inputs/outputs and a diverter module with at least four inputs/outputs. The diverter module is a separate part such that it can be at least one of (1) removed and (2) swung open (i.e., swiveled about a axis) as a whole (i.e., in its substantial entirety as a separate part). The bidirectionally drivable transport path is in fixed position relative to the diverter module.

For example, as described at paragraph 0054 (of the substitute specification): the diverter module can be removed or swung open as a single part:

To permit access to the transport channels for clearing a jam, the diverter module 33 will preferably be designed so that it can be removed

from the apparatus as a single part after fastening screws are loosened, and/or opened by being swung open. Thus, one or more transport path sections, preferably those with rollers not actively driven, are removable from the rest of the module case or can especially preferably be swung open, i.e. swiveled away, from the rest of the module case via a fastening axis. (emphasis added.)

None of the cited prior art discloses a transport system having the claimed diverter device having at least four inputs / outputs, and also having the claimed diverter module having at least four inputs / output, wherein the diverter module is a separate component that can be removed or swung open as a separate part (i.e., as a whole).

The Examiner contends that the Saltov patents disclose the diverter device and diverter module of the claimed invention. The Examiner asserted that the diverter device of Saltov could be defined by a group of hand picked piece parts, to obtain the claimed inputs / outputs the diverter module having the claimed input / outputs. The Examiner further contends that the diverter module is inherently adapted “to be removed,” since it could be removed by any known means, and adapted “to be swung open” since it can be moved (i.e., any movement can be considered to be equivalent to “swung open”). This position, however, ignores key features of claim 1 of the present application.

That is, claim 1 requires that the diverter device include a diverter module (i.e., a standardized unit or self contained assembly - - See, e.g., Webster’s New College Dictionary, 1999) - - that can be as a whole removed and/or swung open / swiveled away from the module case, which is simply not disclosed or suggested by any of the cited prior art.

The Office Action points to Fig. 28 of Saltov '473 as allegedly disclosing a module diverter, as claimed in claim 1. However, Fig. 28 merely illustrates the construction of a switched member and there is no disclosure of a diverter module as claimed in claim 1.

Thus, because none of the prior art discloses or suggests the claimed diverter module, each of the prior art rejections is improper and must be withdrawn.

In view of the above, all objections and rejections have been sufficiently addressed. The Applicants submit that the application is now in condition for allowance and request that claims 1-2, 4-11 and 18-35 be allowed and this application passed to issue.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

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Date

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